

## **DEVELOPMENT CONDITIONS**

### **SE 2015-MV-035**

**July 11, 2016**

The Board of Supervisors approved SE 2015-MV-035, located at 7511 Richmond Highway, Tax Map 93-3 ((2)) (1) 8A, for use as a fast food restaurant with a drive-thru in a Highway Corridor Overlay District pursuant to Sections 4-604, 7-607, 9-505 and 9-611 of the Fairfax County Zoning Ordinance and conditioned the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose, structure and/or use indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Starbucks at Hybla Valley Route 1, Mount Vernon Magisterial District, Fairfax County, Virginia, Special Exception Plat" prepared by Pennoni Associates, Inc., which is dated March 4, 2015 and revised through April 20, 2016 and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
4. A copy of the Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. Restaurant seating, including outdoor seating, shall be limited to a maximum of 62 seats.
6. Within 18 months of the approval of this application, the Applicant shall address the sight distance requirement. The options are as follows:
  - (1) Obtain and record a sight distance easement from the owner of the adjacent property located at Tap Map 93-3 ((2)) (1) B, in order to maintain clear sight distance to the north for drivers exiting onto the service drive; or
  - (2) Obtain a waiver from Virginia Department of Transportation (VDOT) for the Richmond Highway northerly sight line; or
  - (3) If the Applicant is unable to obtain a sight distance easement or waiver, the Applicant may submit for a minor site plan to construct site modifications,

subject to the review of staff and approval of VDOT, to address sight distance at the service drive. These modifications include shifting the location of the service drive entrance further to the south, closing the service drive entrance, or making other such modifications and/or improvements that may be necessary to address sight distance at the service drive entrance. If the service drive is closed or relocated, the area shall be landscaped consistent with that shown on the Special Exception Plat. Further, the modifications shall be subject to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

7. Landscaping shall be provided as illustrated on the Landscape Plan, Sheet C-3.00 of the Special Exception Plat within 18 months of the approval of this application.
8. The existing ingress/egress access easement, as described in DB 10560 PG 1679, shall be vacated and a new 24-foot wide easement between Tax Map 93-3 ((2)) (1) B through the internal travel aisle to the site entry on Belvoir Drive shall be dedicated within 18 months of the approval of this application. The ingress/egress easement shall also include the entrance from the service drive.
9. The applicant shall escrow funds for the future construction of the 24-foot wide interparcel access to the property to the north, Tax Map 93-3 ((2)) (1) B, within 18 months of the approval of this application.
10. Bicycle racks shall be properly installed within 18 months of the approval of this application per the Fairfax County Bicycle Parking Guidelines, subject to the review and approval of Fairfax County Department of Transportation (FCDOT). Bicycle racks shall be inverted U-style racks or an alternative style as approved by FCDOT.
11. If Richmond Highway is reconstructed and the service drive is removed, the access point from this parcel (Tax Map 93-3 ((2)) (1) 8A) to Richmond Highway may be eliminated.
12. The applicant shall maintain the sidewalk and proposed landscaping that is located outside of the VDOT right-of-way and within the sidewalk easement along the service drive frontage.
13. The reduced driveway entrance and sidewalk extension shown on Sheet C-2.00 of the approved Special Exception Plat shall be constructed within 18 months of the approval of this application.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 18 months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the fast food restaurant with a drive-thru. The Board of Supervisors may grant additional time

to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.